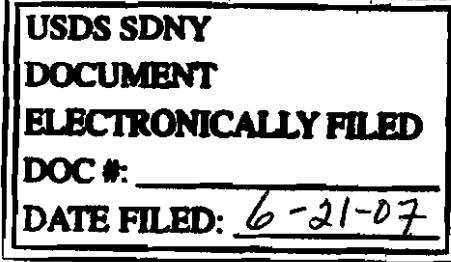


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June 20, 2007

MEMO ENDORSED

BY HAND

Hon. P. Kevin Castel
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street, Room 2260
New York, New York 10007

Re: Nippon Express USA (Illinois), Inc. v.
CHIANG JIANG BRIDGE
06 CIV 694
Our reference no.: 8740/PMK

Honorable Sir:

We are the attorneys for defendant, YANG MING MARINE TRANSPORT CORP., in the above captioned matter. We write to object to plaintiff's submission of a sur-reply memorandum without prior leave of court (see attached). Because sur-reply memoranda are not provided for by the Federal or Local Rules, they are only permitted by prior leave of Court. That does not mean that counsel can submit a sur-reply memorandum along with the request as plaintiff has done. As Judge Cannella once explained:

The proposed ... papers should not accompany the request for leave to submit them. To permit the ... papers to accompany the request, as they do in the instant case, is to enable the requesting party to accomplish its goal of placing the papers before the court, thereby reducing the question of whether the papers should be accepted for filing to relative unimportance. Therefore, the ... papers themselves shall not be submitted until the court, having received and reviewed the application to file, invites them.

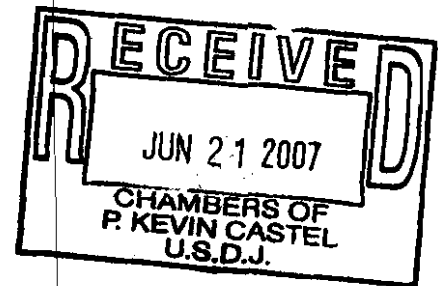
Travelers Ins. Co. v. Buffalo Reinsurance Co., 735 F.Supp. 492, 495 - 96 (S.D.N.Y.) vacated on other grounds 739 F.Supp. 209 (S.D.N.Y. 1990). Under the

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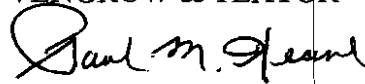
Hon. P. Kevin Castel
CHANG JIANG BRIDGE

June 20, 2007
Page 2

circumstances, we respectfully request permission to respond with a supplemental brief of our own with the understanding that briefing be closed as to any further submissions for which prior leave of court has not been obtained.

Very truly yours,

CICHANOWICZ, CALLAN, KEANE,
VENGROW & TEXTOR



Paul M. Keane

PMK/am

Cc: David Maloof/Maloof & Browne (Via Telefax 914-921-1023)

*Defendant may file
a sur-reply by
July 6. Plaintiff may submit
a sur-reply by
July 13 and defendant
may submit a sur-reply by
July 20.
I trust that
sur reply will do it.*

*SO ORDERED
[Signature]
6-21-07*